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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/603,323	06/26/2000	Fang Sun	1179/2/2	3143

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EXAMINER

RAJGURU, UMAKANT K

ART UNIT

PAPER NUMBER

1711

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/603,323

Applicant(s)

SUN ET AL.

Examiner

Umakant K. Rajguru

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. A response has been filed on Feb 09, 2005.
2. Claims being examined are 1-6.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sun et al (US 6124391) in view of Dahmen et al (US 5409771).

Sun discloses super absorbent polymers. A composition comprising such polymers in particulate form and an inorganic powder such as clay is described (abstract). The super absorbent polymer (abbreviated as SAP) is obtained by polymerizing monomers with olefinically -unsaturated carboxylic and/or sulfonic acid groups which are neutralized to at least about 25 mol% (col.5, lines 3-18). Additional useful monomers are described (in col.5, lines 19-32). Suitable crosslinking agents are set forth (in col.5, lines 33-54). The SAP may be optionally coated with a surface crosslinking agent (col.6, lines 22-26). Centrifuge retention capacity (CRC) and absorbency under load (AUL) are listed in table A bridging cols. 13 and 14. These properties satisfy the claimed ones of instant claims 5 & 6.

Sun not disclose fiber as a filler.

Dahmen discloses a powdery water-insoluble crosslinked resin which is composed of (a) 55-99.9% by wt polymerized unsaturated polymerizable acid-group containing monomers which are neutralized to at least 25 mol%. (b) 0-40% by wt polymerized unsaturated monomers, (c) 0.1% to 5.0% by wt of crosslinking agent and

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(d) 0-30% by wt of a water-soluble polymer (abstract). The resins are used in absorbent articles by mixing with fibers (col.5, lines 28-33).

It would have been obvious to use the fibers of Dahmen in place of clay in the composition of Sun with expectation of enhancing anticaking property since fiber is lighter in density than a particle of an inorganic compound like clay.

It is noted that there is a difference in the processes of making the claimed water sorptive product. Prior art process makes the (claimed) web, which is actually absorbent article in various forms as disclosed in Sun, col.7, lines 52-65. The web comprises a super absorbent (SAP) polymer and a fiber as filler (disclosed by Dahmen). The SAP is first neutralized and then mixed with fiber. Instant claim 1 requires that the SAP is first mixed with fiber and then the said mixture is neutralized.

Instant claims 1-6 are directed to a product and not to a process. A comparison of the claimed process with the prior art process does not serve to resolve the issue concerning the patentability of the product. It is the examiner's position that the product of prior art reads on the one encompassed by instant claims, in spite of the difference between the processes of making those two products. Applicants have not presented any evidence to establish that the two products are different from each other.

It is true, as the applicants have pointed out on page 5 of their above response that Sun does not use or suggest term "wet-laid". It is the examiner's position here that it is immaterial whether the said term is used or not because Sun does disclose a polymer that reads on the instantly claimed one. Dahmen, being a secondary reference does not need to use term "wet-laid".

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Umakant k. Rajguru whose telephone number is 571-272-1077. The examiner can normally be reached on Monday-Friday and 9:30a.m-6:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Rajguru/tgd

April 26, 2005



James J. Seidleck
Supervisory Patent Examiner
Technology Center 1700